

Previous s.16 Applications for the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-MP/55	Proposed Low-density Residential Development with Club House and Recreational Facilities	13.8.1999 Approved by RNTPC	1, 2, 3, 4, 5 and 6
2.	A/YL-MP/110	Proposed Residential Development	17.1.2003 Approved by RNTPC	7, 8, 9, 10 and 11
3.	A/YL-MP/136	Proposed Low-density Residential Development with ancillary Club House and Recreational Facilities	14.1.2005 Approved by RNTPC	3, 11, 12 and 13
4.	A/YL-MP/156	Proposed House Development with Ancillary Club House and Recreational Facilities	3.11.2006 Approved by RNTPC	3, 4, 6, 7, 11, 12 and 18
5.	A/YL-MP/170	Proposed House Development with Minor Relaxation of Building Height Restriction, Filling of Ponds/land and Excavation of Land	7.5.2010 Approved by RNTPC	4, 10, 14, 15, 16 and 17
6.	A/YL-MP/202	Proposed House Development with Minor Relaxation of Building Height Restriction, Filling of Ponds/land and Excavation of Land	7.2.2014 Approved by RNTPC	4, 8, 10, 15, 16, 17, 19 and 20
7.	A/YL-MP/242	Proposed House Development with Minor Relaxation of Building Height Restriction, Filling of Ponds/land and Excavation of Land	27.2.2015 Approved by RNTPC	2, 4, 9, 10, 13, 16, 20 and 21

Approval Conditions

- 1 Setting back of the western and eastern side boundaries to avoid two proposed drainage projects, viz., Ngau Tam Mei Main Drainage Channel and Village Flood Protection Works for Chuk Yuen Tsuen and Ha San Wai
- 2 No development shall commence prior to the completion of the two drainage and village flood protection projects.
- 3 The submission of a DIA and the provision of drainage facilities.
- 4 The provision of EVA and/or water supplies for fire fighting and/or fire service installations.

- 5 The provision of mitigation measures to prevent adverse impacts on the nearby red worm ponds and agricultural land.
- 6 The provision of the vehicular ingress/egress point and visitors' parking spaces.
- 7 The submission and implementation of an MLP.
- 8 The submission of an EcoIA including wetland restoration, and management plan and the implementation of the proposals.
- 9 The submission and implementation of a LMP including a tree survey report and tree preservation scheme.
- 10 The submission and provision of flood mitigation measures and drainage facilities identified in the DIA.
- 11 The provision of sewage treatment and disposal facilities.
- 12 The submission and implementation of landscape proposal with/without tree preservation scheme
- 13 The submission of a TIA and implementation of the traffic management schemes including vehicular access arrangement, the design and provision of parking facilities, loading/unloading spaces and lay-bys.
- 14 Setting back of the southwestern site boundary to avoid encroachment onto the future 2m-wide footpath at the road junction between Kam Pok Road and Ha San Wai Road
- 15 No pond/land filling on site should be allowed until the flood mitigation measures had been implemented
- 16 The submission of detailed design of noise barriers, as proposed by the applicant, with intention to mitigate adverse visual impact and enhance visual amenity in the locality
- 17 The submission and implementation of a landscape proposal including tree preservation scheme
- 18 The provision of vehicle parking spaces
- 19 The setting back of the western site boundary to avoid encroachment onto the future road widening of Kam Pok Road
- 20 The submission of a revised Noise Impact Assessment and the implementation of noise mitigation measures identified
- 21 The submission of a revised Sewerage Impact Assessment and the implementation of sewerage treatment and disposal measures identified therein

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-MP/104	Proposed Low-Density Residential Development with Relaxation of Plot Ratio	1.3.2002 Rejected by RNTPC	1, 2, 3 and 4

Reasons for Rejection

- 1 There were no strong justification and design merits in the submission to merit a relaxation of plot ratio restriction of the "R(D)" zone for the proposed development.
- 2 The proposed development did not comply with the revised TPB Guidelines for

“Applications for Development within Deep Bay Area” in that there was insufficient information in the submission to demonstrate that the development would not have negative off-site disturbance impact on the ecological value of the fish ponds and wetlands in the Deep Bay Wetland Conservation Area.

- 3 The proposed vehicular access arrangement was not desirable from road safety point of view.
- 4 The approval of the proposed development would set an undesirable precedent for other similar applications within the “R(D)” zone. The cumulative effect of approving such similar applications with excessive development intensity would have adverse impacts on the existing and planned traffic and infrastructural provision of the area.

**Similar s.16 Application within the subject “R(D)” zone
on the Mai Po No. S/YL-MP/6**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-MP/132	Proposed Residential Development	25.6.2004 Approved by RNTPC	1, 2, 3, 4, 5 and 6
2.	A/YL-MP/146	Proposed Residential Development (Amendment to an Approved Scheme and Minor Relaxation of Building Height Restriction)	25.11.2005 Approved by RNTPC	1, 2, 3, 4, 6, 7, 8 and 9
3.	A/YL-MP/193	Proposed House Development, Minor Relaxation of Building Height Restriction, and Filling and Excavation of Land for Site Formation Only	24.2.2012 Approved by RNTPC	10, 11, 12, 13, 14 and 15
4.	A/YL-MP/205	Proposed House Development, Minor Relaxation of Building Height Restriction, and Filling and Excavation of Land for Site Formation Only	21.6.2013 Approved by RNTPC	10, 11, 12, 13, 14 and 15

Approval Conditions:

- 1 The submission and implementation of a MLP
- 2 The submission of an EcoIA including wetland restoration, and management plan and the implementation of proposals identified in the EcoIA and provision of a replacement irrigation system
- 3 The submission and implementation of a LMP
- 4 The submission and implementation of a DIA and flood mitigation measures and drainage facilities
- 5 The submission and implementation of a TIA and the traffic management scheme including vehicular access arrangement
- 6 The provision of sewage treatment and disposal facilities
- 7 The upgrading of Ha Chuk Yuen Road as proposed including provision of footpath
- 8 The provision of internal driveway and vehicular access arrangement

- 9 The provision of emergency vehicular access, water supplies for fire-fighting and fire service installations
- 10 The design and provision of vehicle parking, motorcycle parking and loading/unloading facilities
- 11 The submission and implementation of Landscape Master Plan and tree preservation proposal
- 12 The submission of a revised DIA and the implementation of the drainage facilities, including mitigation measures
- 13 The provision of water supplies for fire-fighting, fire services installations and emergency vehicular access
- 14 The submission of a revised EcoIA and the implementation of the mitigation measures
- 15 The design and provision of mitigation measures to alleviate the visual impact of the noise barriers

**Detailed Comments of Chief Building Surveyor/New Territories West,
Buildings Department**

- (a) Area of clubhouse is accountable for GFA under the BO, unless otherwise exempted.
- (b) Area of the interim sewage treatment plant is accountable for GFA under the BO, unless otherwise exempted. The provision of such sewage treatment plant is also subject to the comments from EPD and Drainage Services Department.
- (c) In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included, where possible, in the conditions in the planning approvals.
- (d) The design of solid noise barriers should fulfill the building set back requirements set out in Practice Notes for Authorized Persons (PNAP) APP-152, if GFA concessions (i.e. excluding/disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or site coverage calculations) are claimed.
- (e) Application for exemption of carparking spaces from GFA calculation under the BO will be considered on the basis of the PNAP APP-2 during plan submission stage.

Recommended Advisory Clauses

- (a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) to note DLO/YL, LandsD's comments that should the planning application lead to amendments of the provisional basic terms, the applicant is required to submit an application to LandsD for consideration. Such application will be dealt with by LandsD acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD;
- (c) to note DEP's comments that the proposed house development under the planning application is covered by the Environmental Permit (EP) (EP-515/2017) issued under the Environmental Impact Assessment (EIA) Ordinance. The applicant should be advised to observe and ensure that the proposed development will comply with all statutory requirements under the EIA Ordinance;
- (d) to note DAFC's comments that the applicant is reminded to implement the mitigation measures as recommended in the approved EIA report and EP;
- (e) to note C for T's comments that the proposed secondary vehicular access to the Site is connected to the local access road (before turning to Ha Chuk Yuen Road) which is not managed by Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note CHE/NTW, HyD's comments that HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Kam Pok Road/Ha Chuk Yuen Road. If the proposed vehicular access arrangement is agreed by TD, the applicant should design and construct the road connection/run in/out in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The applicant shall be responsible for any modification of the existing street furniture for the proposed run-in/out. The proposed modification works should be submitted to TD/HyD for comments before commencement of the modification works. As regards the proposed drainage and sewerage works, his office does not maintain non-exclusive road drains and any sewerage facilities. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (g) to note D of FS' comments that water supplies for firefighting and fire service

installations should be provided to his satisfaction. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Furthermore, the emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department;

- (h) to note CBS/NTW, BD's comments that in view of the size of the Site, internal street required under the Buildings Ordinance (BO) s16(1)(p) may have to be deducted from site area for PR/SC calculations under the BO. Also, the internal access road/internal street should comply with Building (Private Streets and Access Roads) Regulations (B(PS&AR)R). The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Area of clubhouse is accountable for GFA under the BO, unless otherwise exempted. Area of the interim sewage treatment plant is accountable for GFA under the BO, unless otherwise exempted. The provision of such sewage treatment plant is also subject to the comments from EPD and Drainage Services Department. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included, where possible, in the conditions in the planning approvals. The design of solid noise barriers should fulfill the building set back requirements set out in Practice Notes for Authorized Persons (PNAP) APP-152, if GFA concessions (i.e. excluding/disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or site coverage calculations) are claimed. There is no guarantee that the 10% non-accountable GFA could be attained under the BO. The eligible amount would be subject to the compliance with the new Quality Building Environment requirements and detailed examination at building plans submission stage. Application for exemption of carparking spaces from GFA calculation under the BO will be considered on the basis of the PNAP APP-2 during plan submission stage. Detailed comments will be provided at building plan submission stage;
- (i) to note CTP/UD&L's comments that it is reminded that any proposed trees treatment and trees felling shall be submitted to the relevant trees authority for approval prior to commencement of works;
- (j) to note CA/CMD2, ArchsD's comments that the applicant is advised to consider a balance cut and fill design to reduce burden to public fill;
- (k) to note DFEH's comments that if provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, Food and Environmental Hygiene Department (FEHD) should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to him. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and
- (l) to note DLCS' comments that it is noted that the boundary of the Site includes some GL

where some existing trees are maintained by Leisure and Cultural Services Department (LCSD). If these GLs will be granted to the applicant, the applicant is also required to take up the maintenance responsibility of the soft landscapes and trees within these GLs. LCSD will not maintain any vegetation and trees inside private lot. From tree preservation point of view, every possible effort should be made to preserve existing tree on site as far as possible and minimize the adverse impact to them. Should any trees be inevitably effected, the project proponent should submit a Tree Preservation and Removal Proposal with strong justifications to relevant Government department(s) for consideration and approval in accordance with DEVB Technical Circular (Works) No. 7/2015.

